



**IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, PRETORIA)**

- (1) REPORTABLE: NO
(2) OF INTEREST TO OTHER JUDGES: NO
(3) REVISED.

SIGNATURE

DATE: 18 August 2025

Case no: 2025-030684

In the matter between:

**MANKOPANE STEPHEN LANGA
AND 19 OTHERS**

First to
Twentieth Applicants

and

MINISTER OF CORRECTIONAL SERVICES

First Respondent

CHAIRPERSON, PAROLE BOARD, LEEUWKOP

Second Respondent

NATIONAL COUNCIL FOR CORRECTIONAL SERVICES

Third Respondent

JUDGMENT

WILSON J:

- 1 The applicants are twenty individuals who say that they are serving life sentences at the Leeuwkop Prison. On 26 May 2025, I gave judgment directing the first respondent, the Minister, to explain why the applicants were

not produced before me in my urgent court on 20 May 2025, and to file a report dealing with each of the applicants' claims to be entitled to parole.

- 2 An affidavit from a Mr. PD Mthethwa, who identified himself as the acting Head of the Leeuwkop Medium C prison, was filed on or shortly after 6 June 2025. In that affidavit, it was explained that only the first applicant "and others" had been named on the form requisitioning the applicants to attend court on 20 May 2025, and that the prison authorities had not had sight of the papers in which the remaining applicants were identified. For that reason, the prison authorities did not know who the other applicants were, and only the first applicant, Mr. Langa, was brought to court. Mr. Mthethwa undertakes to ensure that requisitions which contain reference to parties identified as "and others" are more thoroughly checked in future, such that any "others" requisitioned in respect of a particular case are identified and brought to court.
- 3 Annexed to Mr. Mthethwa's affidavit was a table setting out the date on which each of the applicants was sentenced, and the date on which they will qualify to be considered for parole under the Correctional Services Act 111 of 1998. The table reveals that only the sixth and sixteenth applicants, Siyanda Mngomezulu and Collen Maseko, have served the minimum non-parole periods applicable to them. A third individual, the nineteenth applicant, Amos Mokoena, is presently being considered for parole because of his advanced age. The remaining applicants do not yet qualify to be considered for parole. Mr. Mngomezulu died earlier this year, leaving Mr. Maseko and Mr. Mokoena as the only applicants who qualify for consideration for release on parole. According to the affidavit, the situation applicable to Mr. Maseko is that he is

presently thought unfit for release, and will be considered for parole again on 11 November 2026. Mr. Mokoena's fitness for release on parole will next be considered on 26 February 2026.

- 4 I gave the applicants an opportunity to respond to Mr. Mthethwa's affidavit. Mr. Langa filed a supplementary affidavit on 6 July 2025. The affidavit neither engages with, nor coherently disputes, the material allegations contained in Mr. Mthethwa's affidavit.
- 5 I accept the explanation Mr. Mthethwa provides for failing to make the second to twentieth applicants available to me at court. I also accept that his proposal to ensure that the error is not repeated is reasonable in the circumstances. I trust that it will be implemented.
- 6 Given that the contents of the table annexed to Mr. Mthethwa's affidavit are not seriously disputed in Mr. Langa's supplementary affidavit, I also accept that none of the applicants, save for Mr. Maseko and Mr. Mokoena, presently qualify to be considered for parole, and that Mr. Maseko's and Mr. Mokoena's eligibility for parole is being considered in a manner consistent with the Act. In his supplementary affidavit, Mr. Langa appears to fall back on an excursus of sections of the various Correctional Services Acts, but he does not say why these provisions are applicable to the applicants in this case or why they are not being observed. He also appears to touch on the merits of some of the applicants' convictions, which are, of course, not before me.
- 7 For all these reasons the first to fifteenth and seventeenth to twentieth applicants' applications fall to be dismissed. In Mr. Maseko's case, however, I require further information. The table annexed to Mr. Mthethwa's affidavit says

that Mr. Maseko was “sentenced to 20 years’ imprisonment” on 7 October 2003. On the face of things, Mr. Maseko should have been released on or before 7 October 2023. He should not be awaiting a further parole profile in November 2026.

8 It is nonetheless likely that the table means only that Mr. Maseko was sentenced to a life term on 7 October 2003, with a minimum non-parole period of 20 years. However, given that the liberty of the individual is at stake, I do not think that I can simply make that assumption. A copy of the warrant committing Mr. Maseko to prison, together with a copy of the judgment sentencing him, should be sufficient to address the issue fully. I intend to order that these documents be placed before me within two weeks of the date of this judgment.

9 For all these reasons –

9.1 The first to fifteenth and seventeenth to twentieth applicants’ applications are dismissed, with each party paying their own costs.

9.2 The first respondent is directed, by no later than 1 September 2025, to file a copy of the warrant of committal applicable to the sixteenth applicant, Collen Maseko, together with a copy of the trial judge’s judgment sentencing Mr. Maseko to incarceration.


S D J WILSON
Judge of the High Court

This judgment is handed down electronically by circulation to the parties or their legal representatives by email, by uploading it to the electronic file of this matter on Caselines, and by publication of the judgment to the South African Legal Information Institute. The date for hand-down is deemed to be 18 August 2025.

DECIDED ON: 18 August 2025